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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,136	12/03/2001	Kee-Yoeup Park	3884-0101P	4568

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EXAMINER

PARA, ANNETTE H

ART UNIT

PAPER NUMBER

1661

DATE MAILED: 05/20/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,136

Applicant(s)

PAEK, KEE-YOEUP

Examiner

Annette H. Para

Art Unit

1661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

Art Unit: 1661

DETAILED ACTION

The restriction requirement is withdrawn.

Claims 1, 6, 7 are objected to because of the following informalities: incorrect capitalization in the middle of the claims. Appropriate correction is required.

Claim Rejection - 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the callus". There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the 2-3mm²". There is insufficient antecedent basis for this limitation in the claim.

In claim 1, the word "naphthalemeacetic" is misspelled.

In claim 1, the word "pochloram" is misspelled.

Claim 1 is indefinite in the recitation of "1.0-10.0mg/L". Do applicants mean for each chemical, 2,4D only, or all 3 chemicals?

In claim 1, line 8 it is unclear what "it" is referring to in the recitation "by transferring it to a MS".

Claim 1, "a MS media" should be a MS medium.

Claim 1 the word "BSSA" is misspelled.

Art Unit: 1661

It is unclear what the applicant meant in the recitation "by scaling up with 20-50 ton of bioreactor"

Claim 1 is confusing, paragraph 1 says "and" (all 3) whereas paragraph 2 says "any one of "

Claims 1-9 are confusing. Does the applicant meant that the propagation by tissue culture has to be perform for ginseng, camphor ginseng and wild ginseng at the same time?

In claim 2 the recitation "under the conditions including" is unclear.

Claim 2, the recitation "1/2-3/4" is not a concentration.

Claim 3 recites the limitation "the cultured explants". There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the newly formed lateral root". There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the culturing conditions". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the re-seeding step". There is insufficient antecedent basis for this limitation in the claim.

Claim 6 the metes and bounds of the claim are not clearly set forth in the recitation "such as".

Claim 6 is confusing, paragraph 1 says "and" (all 3) whereas paragraph 3 says " one of "

In claim 6 in the second paragraph the adventitious roots are claimed to be treated with any one of the growth regulators when in the third paragraph the adventitious roots are described as being treated with growth regulators. Was the root treated with all of them, one of them, and in which amount 1.0-100mg/L of each of them or to a total of 1.0-100mg/L for all of them?

Claim 7 the metes and bounds of the claim are not clearly set forth in the recitation "such as".

In claim 7 in the second paragraph the adventitious roots are claimed to be treated with any one of the growth regulators when in the third paragraph the adventitious roots are described

Art Unit: 1661

as being treated with growth regulators. Was the root treated with all of them, one of them, and in which amount 1.0-100mg/L of each of them or to a total of 1.0-100mg/L for all of them?

In claim 7, it is unclear if the adventitious root was treated jasmonic acid after having been washed with tap water or if the root was washed after being treated.

Claim 8 recites the limitation "the balloon shape bioreactor". There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the conical shape bioreactor". There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the media which was not added nitrogen". There is insufficient antecedent basis for this limitation in the claim.

Claim 9 it is unclear if the root was transferred to the media for 5-10 days or if the nitrogen was not added for 5-10 days.

Conclusion

All claims are rejected.

Claims 1-9 are deemed free of the prior art because the prior art fails to teach a medium comprising 2,4-D, picloram, and NAA. Although some prior art teach a mixture of growth regulator, there is no teaching or motivation to suggest the medium comprising 2,4-D, picloram, and NAA at the claimed concentration.

Future Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annette H. Para whose telephone number is (703) 308-6327. The Examiner can normally be reached Monday through Thursday from 6:00 am to 4:30 pm.

Art Unit: 1661

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Bruce Campell, can be reached on (703) 308-4205. The fax number for the group is (703) 305-3014 or (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Matrix Customer Service Center whose telephone number is (703) 308-0196.

A.H.P

A handwritten signature in cursive script that reads "Bruce Campell".

BRUCE R. CAMPPELL, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600